

NOTES:

- * System swaps
- ** The transaction prices are from Kagan. The transaction price is dependent upon the terms of each deal and may or may not include debt.
- *** The calculations of Price/Subscriber are from Kagan. These calculations are subject to rounding and reporting inconsistencies.

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APPENDIX G

Table 1

MSO Ownership in National Programming Services

Programming Service	Launch Date	Ownership Percentage
Action Pay-Per-View	Sept-90	TCI (22) Time Warner (15)
AMC	Oct-84	Cablevision Systems (75)
Animal Planet	Jun-96	TCI (49), Cox (24.7)
BET	Jan-80	TCI (22) Time Warner (15)
BET on Jazz	Jan-96	TCI (22) Time Warner (15)
The Box	Dec-85	TCI (5)
Bravo	Feb-80	Cablevision Systems (50)
Cartoon Network	Oct-92	Time Warner (100)
Catalog 1	Apr-94	Time Warner (50)
Cinemax	Aug-80	Time Warner (100)
CNN	Jun-80	Time Warner (100)
CNN International	Jan-95	Time Warner (100)
CNNfn (The Financial Net.)	Dec-95	Time Warner(100)
Comedy Central		Time Warner (50)
Court TV	Jul-91	TCI (33.3) Time Warner (33.3) Continental (33.3)
The Discovery Channel	Jun-85	TCI (49) Cox (24.6)
E! Entertainment	Jun-90	Time Warner (49.0) Continental (10.3) Comcast (10.3) Cox (10.4) TCI (10.3)
Encore	Apr-91	TCI (90)
Encore Love Stories	Jul-94	TCI (90)

Programming Service	Launch Date	Ownership Percentage
Encore Westerns	Jul-94	TCI (90)
Encore Mysteries	Jul-94	TCI (90)
Encore Action	Sept-94	TCI (90)
Encore True Stories and Drama	Sept-94	TCI (90)
Encore WAM! America's Youth Network	Sept-94	TCI (90)
The Family Channel	Apr-77	TCI (20)
Faith & Values	Jun-84	TCI (49)
FIT TV	Oct-93	TCI (20)
fX	Oct-94	TCI (50)
FXM	Oct-94	TCI (50)
Gems International Television	Apr-93	Cox (50)
The Golf Channel	Jan-95	Continental (20.2), Comcast, Cablevision Systems, Adelphia
Great American Country	Dec-95	Jones (**)
HBO	Nov-72	Time Warner (100)
HBO 2	Dec-75	Time Warner (100)
HBO 3	Oct-93	Time Warner (100)
Headline News	Jan-82	Time Warner (100)
Home Shopping Network	Jul-85	TCI (80)
Home Shopping Network II	Sept-86	TCI (80)
Independent Film Channel	Sep-94	Cablevision Systems (50)
The International Channel	Jul-90	TCI (45)
Intro Television ⁴	Sept-94	TCI (100)
Jones Computer Network	Sept-94	Jones (81)

⁴ On December 1, 1995, tv! Network became Intro Television.

Programming Service	Launch Date	Ownership Percentage
The Learning Channel	Nov-80	TCI (49) Cox (24.7)
Mind Extension University	Nov-87	Jones (66)
Much Music USA	Jul-94	Cablevision Systems (50)
Newsport	Feb-94	Cablevision Systems (25)
Outdoor Life Channel	Jul-95	Cox (41), Continental (23), Comcast (22.5)
Ovation: The Fine Arts Network	Apr-96	Time Warner (**)
Prime Deportiva	Mar-95	TCI (100)
Prime Network	Jan-93	TCI (33) Cablevision Sys. (25)
Product Information Network	Apr-94	Cox (50) Jones (**) Adelphia (**)
QVC	Nov-86	Comcast (57.4) TCI (42.6)
Q2	Sept-94	Comcast (57.4) TCI (42.6)
Request Television	Nov-85	TCI (40)
Request 2	Jul-88	TCI (40)
Request 3-5	Sept-93	TCI (40)
Sega Channel		TCI (33), Time Warner (33)
Speedvision	Dec-95	Cox (39.0) Continental (22.1)
Starz!	Feb-94	TCI (49.9)
The Sunshine Network	Mar-88	Cox (5.3)
TBS		Time Warner (100)
Television Food Network	Nov-83	Continental (15), Scripps-Howard (13.17), Cox (1.9) Adelphia, C-TEC (**)
TNT	Oct-88	Time Warner (100)
Turner Classic Movies	Apr-94	Time Warner (100)

Programming Service	Launch Date	Ownership Percentage
Viewers Choice	Nov-85	Cox (20), Time Warner (17) Continental (12), Comcast (11), TCI (10)
Viewers Choice: Hot Choice	Jun-86	Cox (20), Time Warner (17) Continental (12), Comcast (11), TCI (10)
Viewers Choice: Continuous Hits 1,2,3	Feb-93	Cox (20), Time Warner (17) Continental (12), Comcast (11), TCI (10)

* Denotes ownership percentage of less than 5%.

** Ownership percentage not available.

Source: Annual Reports of various MSOs.

Table 2

**Existing National Programming Services
Without A Cable Operator Holding An Ownership Interest**

Programming Service	Launch Date
A&E Television Network	Feb-84
Adam & Eve Channel	Feb-94
All News Channel	Nov-89
America's Health Network	Mar-96
ANA Television Network	Unavailable
Asian American Satellite TV	Jan-92
C-SPAN 2*	Jun-86
C-SPAN*	Mar-79
Cable Video Store	Apr-86
Canal Sur	Aug-91
Canal de Noticias NBC	Mar-93
Channel America Television Network	Jun-88
Children's Cable Network	May-95
CineLatino	Dec-94 (in U.S.)
Classic Sports Network	May-95
Classic Arts Showcase	May-94
CMT: Country Music Television	Mar-83
CNBC	Apr-89
Consumer Resource Network	Dec-94
Crime Channel	Jul-93
Deep Dish	Jan-86
Disney Channel	Apr-83
DRAGnet	Dec-95

Programming Service	Launch Date
Employment Channel	Feb-92
ESPN	Sep-79
ESPNEWS	Nov-96
ESPN2	Oct-93
Ethnic-American Broadcasting Co.	1992
EWTN: The Catholic Network	Aug-81
Flix!	Apr-91
Foxnet	Jul-91
Fox News Channel (FNC)	Oct-96
Galavision	Oct-79
Gay Entertainment Television	Nov 95
Home & Garden	Dec-94
Jewish Television Network	Jan-81
Kaleidoscope: America's Disability Network (incorporating the Silent Network)	Jun-90
Lifetime Television	Feb-84
Lottery Channel	Nov-95
Mor Music TV	Aug-92
MTV: Music Television	Aug-81
MTV Latino	Oct-93
MSNBC (replaces America's Talking)	Jul-96
NASA Television	Jul-91
National & International Singles Television Network	Apr-95
NET - Political NewsTalk Network (formerly National Empowerment Television)	Dec-93
Nickelodeon	Apr-79

Programming Service	Launch Date
Nick at Nite	Jul-85
Nostalgia Channel	Feb-85
The 90s Channel	Nov-89
The Game Show Network	Dec-94
The Inspirational Network (INSP)	Apr-78
The Filipino Channel	Apr-94
The History Channel	Jan-95
The Movie Channel (TMC)	Dec-79
Playboy Network (formerly Playboy Channel)	Nov-82
Popcorn Channel	Nov-95
Prevue	Feb-88
Sci-Fi Channel	Sep-92
SCOLA	Aug-87
Showtime	Jul-76
SingleVision	Jun-94
Spice	May-89
Sundance Channel	Feb-96
Telemundo	Jan-87
TNN: The Nashville Network	Mar-83
The Travel Channel	Feb-87
Trinity Broadcasting Network	Apr-78
Trio	Sep-94
TV Asia	Apr-93
TV-Japan	Jul-91
U Network	Oct-89
Univision	Sep-76

Programming Service	Launch Date
ValueVision	Oct-91
VH-1	Jan-85
Via TV Network	Aug-93
Video Catalog Channel	Oct-91
The Weather Channel	May-82
Worship Network	Sep-92
Z Music	Mar-93

* Currently, there are no MSO ownership interests in C-SPAN and C-SPAN 2. However, several MSOs support C-SPAN and are represented on the board of directors as voting members. *1995 Competition Report.*

Source: NCTA Comments, 1996; Broadcasting and Cable, April 29, 1996, at 61-78.

TABLE 3

**Planned National Programming
Services With Ownership Interests
Held by a Cable Operator¹**

Programming Service	MSO Affiliation	Expected Launch Date
BET Movies/STARZ!3	TCI & Time Warner	Feb-97
CNN SI	Time Warner	Dec-96
Jones Health Network	Jones Cable	1996
Jones Language Network	Jones Cable	TBA
M2: Music Television	Cablevision Systems	TBA
The Parents Channel	Malofilm Communications	1996
Soap TV	Fifth Dimension Communications	Dec-96
The Singles Network	Rainbow Programming	1996
TCI/Microsoft Channel	TCI	1996
World African Network	Time Warner	1996

TBA - To Be Announced

Sources: NCTA Comments, Table 9 July 19, 1996.

¹ "Ownership interest" refers to a 5% or greater interest in the programming service.

TABLE 4

**Planned National Programming Services
Without A Cable Operator
Holding An Ownership Interest**

Programming Service	Expected Launch Date
Air & Space Network	TBA
American West Network	TBA
Animal Vision: The Animal Channel	2nd Qtr 97
Anti-Aging Network, The	4th Qtr 96
Applause Networks	Dec-96
Arena (formerly Classic Music Channel)	4th Qtr 96
Art & Craft Network	TBA
Arts & Antiques Network	Dec-96
Axon (formerly XTV)	4th Qtr 97
The Auto Channel	1st Qtr 97
Automotive Television Network (ATN)	Dec-96
Benefit Network	1998
Biography Channel, The	TBA
Boating Channel	2nd Qtr 97
Booknet	Jan-97
The Cable Consortium	TBA
Career & Education Opportunity Network	3rd Quarter 1997
Catalogue TV	Jan-97
CEO Channel	4th Qtr 96
Channel 500	TBA
CHOP TV	4th Qtr 96
Collectors Channel	Spring 97
FAD TV (Fashion & Design Channel)	Late 96
Fashion Network	TBA (Launched regionally in NY & CT)

Programming Service	Expected Launch Date
Fitness Interactive Television (formerly FXTV Fitness and Exercise Television)	4th Qtr 1996
Gaming Entertainment Television	Oct-96
Global Village Network	4th Qtr 96
Golden American Network	4th Quarter 1996
The Gospel Network	4th Quarter 1996
Hobby Craft Network	1996
Home Improvement TV Network	TBA
Horizons Cable Network	TBA
Jackpot Channel, The	TBA
Kid City	4th Qtr 97 - 1st Qtr 98
The Love Network	Dec-96 (or Apr-97)
MBC Movie Network, The	TBA
New Science Network	1997
ORB TV	1997
Parent Television	4th Qtr 96
Merchandise Entertainment Television	TBA
Parenting Satellite TV Network	4th Quarter 1996
The Pet Television Network	1st Qtr 97
Premiere Horse Network	Jan-97
Prime Life Network	TBA
Real Estate TV Network	2nd Qtr 97
Recovery Net/The Wellness Channel	Limited Launch Feb 96 (Dec-96)
The Seminar Channel	TBA
Sewing & Needles Arts Network	TBA
The Success Channel	1996
Talk TV Network	1997

Programming Service	Expected Launch Date
Technology Channel, The	TBA
TRAX Television Network	Late 1996
TV 5	Sep-97

Sources: NCTA Comments, 1996; Broadcasting and Cable, April 29, 1996, at 61-79.

TABLE 5

Top Eight Major MSO Ownership in National Programming
MSO Rank in Order by Subscribers

Services	Subs. (Mil.)	TCI	Time Warner	Contin- ental Cable- vision	Comcast	Cox	Cable- vision Sys.	Adelphia	Jones Cable
Action Pay- Per-View 1/	7.2	22.0%	15.0%						
Animal Planet		49.0%				24.7%			
AMC	61.0						75.0%		
BET 1/	45.0	22.0%	15.0%						
BET Jazz 1/	0.8	22.0%	15.0%						
The Box	21.1	5.5%							
Bravo	22.5						50.0%		
Cartoon 2/	28.1		100.0%						
Catalog 1			50.0%						
Cinemax	8.9		100.0%						
CNN 2/	68.6		100.0%						
CNNfn - The Financial Network 2/	6.2		100.0%						
CNN Int'l 2/	5.5		100.0%						
Comedy Central	40.8		50.0%						
Court TV	26.7	33.3%	33.3%	33.3%					
Discovery	68.0	49.0%				24.6%			
Encore Thematic Multiplex: Love Stories	9.3	90.0 %							
Encore 2: Westerns	*	90.0%							

Services	Subs. (Mil.)	TCI	Time Warner	Contin- ental Cable- vision	Comcast	Cox	Cable- vision Sys.	Adelphia	Jones Cable
Encore 3: Mystery	*	90.0%							
Encore 4: Action	*	90.0%							
Encore 5: True Stories	*	90.0%							
Encore 6: WAM! America's Youth Network	*	90.0%							
E! Entertainment	40.0	10.3%	50.0%	10.3%	10.3%	10.4%			
Faith & Values Channel	25.7	49.0%							
The Family Channel	65.4	20.3%							
FIT TV	7.2	20.3%							
FX		50.0%							
FXM		50.0%							
GEMS Television	6.0					50.0%			
The Golf Channel 3/	3.0			20.2%	3/		3/	3/	
Great American Country	*								x
HBO 1	20.8		100.0%						
HBO 2	*		100.0%						
HBO 3	*		100.0%						
Headline News 2/	61.1	22.6%	18.6%	x	x				

Services	Subs. (Mil.)	TCI	Time Warner	Conti- ental Cable- vision	Comcast	Cox	Cable- vision Sys.	Adelphia	Jones Cable
Home Shopping Net. (HSN)	49.2	80.4%							
Home Shopping II	*	80.4%							
Independent Film Channel	3.0						50.0%		
International Channel	7.5	45.0%							
Intro Television	9.2	100.0%							
Jones Computer Network	1.5								81.0%
Learning Channel	48.5	49.0%				24.6%			
Mind Extension University	26.0								66.0%
MuchMusic	4.0						50.0%		
Newsport	6.5	33.0%					25.0%		
Outdoor Life	3.9			23.0%	22.5%	41.0%			
Ovation: The Fine Arts Net.	*								
Prime Deportiva	2.7								
Prime Network	48.4	33.0%					25.0%		
Product Information Network	5.4					50.0%		5/	5/
QVC	56.1	42.6%			57.4%				
Q2	11.3	42.6%			57.4%				

Services	Subs. (Mil.)	TCI	Time Warner	Contin- ental Cable- vision	Comcast	Cox	Cable- vision Sys.	Adelphia	Jones Cable
Request Television: Request 1	35.0	40.0%							
Request Television: Request 2	*	40.0%							
Request Television: Request 3-5	*								
Sega Channel	*	33.0%	33.0%						
Speedvision Network	1.2			22.1%		39.0%	x		
Starz!	3.3	48%							
The Sunshine Network	3.8			7.5%		5.3%			
TBS 2/	68.5		100.0%						
TV Food Network 4/	17.0			15.0%		4/		4/	
TNT 2/	67.5		100.0%						
Turner Classic Movies 2/	10.0		100.0%						
Viewers Choice	16.0	10.0%	17.0%	12.0%	11.0%	20.0%			
Viewers Choice: Continuous Hits 1, 2, 3,4	**	10.0%	17.0%	12.0%	11.0%	20.0%			
Viewers Choice: Hot Choice	**	10.0%	17.0%	12.0%	11.0%	20.0%			

Sources:

Subscriber count was obtained from Paul Kagan Assocs., Inc., Cable TV Programming, July 31, 1996 at 12 and National Cable Television Assoc., *Cable Television Developments*, Spring 1996. Ownership percentages were obtained from MSO's 10K Reports; Cablevision, July 15, 1996 at 66; Ownership interests reported for earlier periods may not reflect current ownership.

Notes:

- x Indicates percentage of ownership is less than 5%.
- * Indicates subscriber amount is not available.
- ** Subscribership of 16.0 million includes all six Viewers Choice channels (See NCTA Cable Television Developments, Spring 1996, at 82).
- 1/ A programming service of BET Holdings, Inc. See BET Holdings, Inc., 7/31/94 Annual Report at 34.
- 2/ Previously a Turner Broadcasting programming service.
- 3/ Official ownership percentages of Comcast, Cablevision Systems, and Adelphia, in *The Golf Channel* are not available.
- 4/ Voting partners in Television Food Network & percentages of ownership include Scripps Howard (13.17%) and Landmark (12.00%). Others having less than 5% interest are: Adelphia Communications, Times Mirror, and C-TEC. Percentages provided by Mr. John Davis of Wiley, Rein, and Fielding, Sep 21, 1995.
- 5/ Percentage of ownership is not available.

TABLE 6

**Vertical Integration: Top 25 Programming
Services by Subscribership¹**

Rank	Programming Network (Top 25)	Number of Subscribers (Millions) ²	MSO Ownership Interest in Network ³
1	CNN	68.6	Time Warner
2	ESPN	68.6	None
3	TBS	68.5	Time Warner
4	C-SPAN	64.5	None ⁴
5	USA Network	68.0	None ⁵
6	Discovery	68.0	TCI, Cox
7	TNT	67.8	Time Warner
8	Nickelodeon/Nick at Nite	66.7	None
9	TNN (The Nashville Network)	63.0	None
10	The Family Channel	65.4	TCI
11	Arts & Entertainment (A&E)	65.1	None
12	Lifetime	64.6	None
13	MTV	64.1	None
14	The Weather Channel	63.3	None
15	Headline News	61.4	Time Warner

¹ See Table 5 for ownership percentages

² For services offered on a per channel basis, the number of subscribers represents the number of units paying for the individual programming service. For other programming services, the number of subscribers represents the number of cable subscribers to whom the service is available on a programming tier.

³ See Table 5 for ownership percentages.

⁴ Cable affiliates provide 95% of funding for C-SPAN and C-SPAN II but have no ownership interests or control over programming. See *1995 Report*.

⁵ USA Network, Nickelodeon/Nick at Nite, MTV, and MTV were owned by Viacom, which is no longer a cable operator.

Rank	Programming Network (Top 25)	Number of Subscribers (Millions)	MSO Ownership Interest in Network
16	AMC (American Movie Classics)	61.0	Cablevision Systems
17	CNBC	58.6	None
18	QVC	56.4	Comcast, TCI
19	VH-1	55.1	None
20	HSN	49.7	TCI
21	The Learning Channel (TLC)	49.5	TCI, Cox
22	C-SPAN II	45.2	None
23	BET	45.0	TCI, Time Warner
24	Prevue Channel	44.1	None
25	Comedy Central	40.8	TCI

Current as of July 31, 1996

Sources: Paul Kagan Associates, Cable TV Programming, July 31, 1996, at 10.

TABLE 7

**Vertical Integration: Top Fifteen Programming Services by Ratings
By Prime Time Rating**

Rank	Programming Service	MSO with Ownership Interest ¹
1	TNT	TCI, Time Warner (others have 5% or less)
2	TBS	TCI, Time Warner (others have 5% or less)
3	ESPN	None
4	USA Network	None ²
5	Lifetime	None
6	Cartoon Network	TCI, Time Warner (others have 5% or less)
7	Arts & Entertainment	None
8	The Family Channel	TCI
9	Discovery	TCI, Cox
10	TNN (The Nashville Network)	None
11	CNN	TCI, Time Warner (others with 5% or less)
12	The Learning Channel	TCI, Cox
13	BET	TCI, Time Warner
14	Sci-Fi Channel	None ²
15	The Weather Channel	None

Sources: Paul Kagan Associates, Cable TV Programming, Prime-Time Ratings, July 1996, at 10.

¹ See Table 5 for ownership percentages

² USA Network and Sci-Fi Channel are owned by Viacom which sold its cable systems to TCI in 1996.

APPENDIX H

Program Access Matters Resolved

1. In a program access complaint involving exclusivity decided in 1996, Corporate Media Partners d/b/a Americast ("Americast") and Ameritech New Media, Inc. ("New Media") alleged that they had been denied access to Home Box Office ("HBO") programming as a result of Continental Cablevision, Inc.'s ("Continental") and HBO's exclusive contract. In denying the complaint, the Cable Services Bureau concluded that parties to an exclusive contract may enforce an exclusivity provision with respect to newly-acquired systems, where the contract included an after-acquired systems provision that was made part of the contract prior to June 1, 1990.¹

2. The Cable Services Bureau denied a program access complaint filed by the American Cable Company ("American Cable") against TeleCable of Columbus, Inc. ("TeleCable") alleging violations of Section 628(b).² The Cable Services Bureau found that TeleCable's exclusive programming agreements with Sci-Fi and ESPN were permissible under Section 628(h)'s exemption of exclusive programming contracts because neither service was vertically integrated at the time the complaint was filed.

3. The Bureau also dismissed several complaints alleging violations of the Commission's program access rules on video dialtone ("VDT") platforms. Interface Communications Group, Inc., Digital Broadband Applications Corp. and Residential Communications Network of Massachusetts, Inc. separately filed complaints against Cablevision Systems Corp., Rainbow Programming Holdings, Inc., and American Movie Classics Co., alleging violations of the Commission's program access rules. Because the 1996 Act repealed the Commission's VDT rules and policies³ and the Commission now requires operating VDT systems

¹ *Corporate Media Partners d/b/a/ Americast and Ameritech New Media, Inc. v. Continental Cablevision, Inc., and Home Box Office*, 11 FCC Rcd 7735 (CSB 1996). An application for review of this decision is pending before the Commission.

² *American Cable Company v. TeleCable of Columbus, Inc.*, 11 FCC Rcd 10090 (CSB 1996). The Commission also denied American Cable's geographic rate uniformity complaint on the grounds that TeleCable faces effective competition and, therefore, is not subject to the uniform rate provision.

³ 1996 Act, Pub. L. No. 104-104, 110 Stat. 56 § 302(b)(1) (1996).

to convert to one of the four options available under the 1996 Act,¹ the Bureau dismissed the above referenced complaints as moot.²

4. Two other cases were dismissed in the last year after complainants filed to withdraw their complaints. CAI Wireless Systems, Inc. ("CAI") and Connecticut Choice Television, Inc., ("CCT") filed a program access complaint against Cablevision Systems, Inc., Rainbow Programming Holdings, Inc., SportsChannel New England and SportsChannel New York, alleging that defendants refused to provide SportsChannel New England and SportsChannel New York programming to CCT for use by Southern New England Telephone's ("SNET") video dialtone trial service and refused to provide SportsChannel New England programming to CAI for its wireless cable system. Because SNET withdrew its plans to offer VDT service,³ CAI and CCT filed on February 1, 1996 to withdraw their program access complaint. On March 4, 1996, the Bureau dismissed the complaint without prejudice.⁴ Similarly, CAI and CCT filed a program access complaint against Cablevision Systems, Inc., and Madison Square Garden Network, Inc., alleging that defendants refused to provide programming to CAI and CCT. On February 1, 1996, CAI and CCT filed to withdraw their complaint and on March 4, 1996, the Bureau dismissed the complaint without prejudice.⁵

5. In a discrimination case resolved in 1996, Consumer Satellite Systems, Satellite Receivers, Ltd, Galaxy Satellite Services, Inc., A&L Satellite, Inc., Programmers Clearing House, Inc., American Programming Service, Inc., ("Complainants") filed a price discrimination complaint in 1994 against United Video Satellite Group, Inc., and its wholly owned subsidiary UV Corp., d/b/a/ Superstar Satellite Entertainment ("Superstar"), alleging that Superstar had discriminated against complainants with respect to rates for programming purchased from

¹ *Implementation of Section 302 of the Telecommunications Act of 1996*, CS Dkt. No. 96-46, First Order on Reconsideration, __ FCC Rcd __, FCC 96-312 (July 23, 1996) (the four options are traditional cable service, open-video system, wireless video, or pure common-carriage service). See discussion *infra* sec. III.E.

² See *Interface Communications Group, Inc. v. Cablevision Systems Corp.*, CSR 4648-P, Order, __ FCC Rcd __, DA 96-1520 (CSB Sept. 13, 1996). Residential Communications Network of Massachusetts, Inc. filed a petition for partial reconsideration on October 15, 1996.

³ On January 25, 1996 SNET withdrew its plans to offer VDT service and relinquished its Section 214 Authority.

⁴ *CAI Wireless Systems, Inc. and Connecticut Choice Television, Inc., v. Cablevision Systems, Inc., Rainbow Programming Holdings, Inc., SportsChannel New England, and SportsChannel New York*, 11 FCC Rcd 3049 (CSB 1996).

⁵ *CAI Wireless Systems, Inc. and Connecticut Choice Television, Inc., v. Cablevision Systems, Inc. and Madison Square Garden Network, Inc.*, 11 FCC Rcd 3004 (CSB 1996).

Superstar in violation of Section 628. The parties, assisted by Commission staff, settled the matter and the case has been dismissed.⁶

6. In an appeal of a 1995 Order, the Cable Services Bureau denied a Petition for Reconsideration by SportsChannel Associates ("SportsChannel"), seeking reconsideration of the Cable Services Bureau's decision in *CellularVision of New York v. SportsChannel Associates*.⁷

In the *CellularVision Order*, the Cable Services Bureau found that SportsChannel, an affiliate of Cablevision Systems, discriminated against CellularVision in the sale of SportsChannel New York ("SCNY") programming in violation of Section 628(c)(2)(B) of the Communications Act and Section 76.1002(b) of the Commission's rules. As a result, the Bureau ordered SportsChannel to sell its SCNY programming to CellularVision on non-discriminatory terms within 45 days from the release date of the *Order*. In denying the Petition for Reconsideration, the Cable Services Bureau found, based on the record, that SportsChannel's arguments did not warrant reversal of the Cable Services Bureau's decision, and that SportsChannel's stated concerns regarding signal security did not constitute a legitimate business reason for refusing to provide programming to CellularVision.⁸

7. Finally, two other cases were dismissed in the last year after the parties filed Joint Stipulations of Dismissal.⁹ In one matter, OpTel, Inc. ("OpTel") filed a program access complaint against Century Southwest Cable Television, Inc. ("Century"), alleging that Century had denied OpTel access to Prime Ticket Networks, L.P. ("Prime Ticket") programming pursuant to an exclusivity agreement that was not validly grandfathered pursuant to Section 628(h). OpTel also alleged that Century had violated Section 628(c)(2)(B) by unreasonably refusing to sell OpTel its Prime Ticket programming. In the other matter, TELE-TV Media L.P. ("TELE-TV") and Pacific Bell Video Services ("Pacific Bell") filed a complaint alleging similar violations against Century Communications Corporation and Prime Ticket Networks, L.P. (d.b.a. Prime Sports West). With respect to the OpTel matter, with assistance from Commission staff, the

⁶ *Consumer Satellite Systems, Inc., Satellite Receivers, Ltd, Galaxy Satellite Services, Inc., A&L Satellite, Inc., Programmers Clearing House, Inc., American Programming Service, Inc., v. United Video Satellite Group, Inc., and its wholly owned subsidiary, UV Corporation., d/b/a/ Superstar Satellite Entertainment*, 11 FCC Rcd 7428 (CSB 1996).

⁷ *CellularVision of New York L.P., v. SportsChannel Associates*, Order on Reconsideration, 11 FCC Rcd 3001 (CSB 1996).

⁸ *Id.* at ¶ 7, 12.

⁹ *OpTel, Inc. v. Century Southwest Cable Television, Inc.*, CSR No. 4736-P, Order, ___ FCC Rcd ___ (CSB Dec. 20, 1996); *TELE-TV Media, L.P. and Pacific Bell Video Services v. Century Communications Corporation and Prime Ticket Networks, L.P. (d.b.a. Prime Sports West)*, CSR 4822-P, Order, ___ FCC Rcd ___ (CSB Dec. 20, 1996).

parties filed a Joint Stipulation of Dismissal requesting dismissal of the complaint, resulting in an agreement by Century to waive its exclusive rights to Prime Ticket's programming with respect to all other MVPDs, including, but not limited to OpTel. Shortly after resolution of the OpTel matter, the parties filed a similar Joint Stipulation with respect to the complaints by TELE-TV and Pacific Bell. Thus, the Cable Services Bureau issued orders dismissing both matters.